

## AMENDMENTS TO THE CLAIMS

This listing replaces all prior versions and listings of claims in the application.

### Listing of Claims

1. – 25. (Canceled)

26. (Currently Amended) A material for encapsulating a therapeutic and nutritional agent that is storage unstable, wherein the material is the product of a process comprising the steps of:

- (A) treating a starch to increase the number of sugar reducing groups in the resulting treated starch;
  - (B) forming a dispersion of a film forming protein and the treated starch in an aqueous phase;
  - (C) mixing the agent with the dispersion to form a mixture; and then
  - (D) homogenizing the mixture to obtain an agent-in-water emulsion,
- such that the treated starch and the film forming protein form a protective shell around the agent during the homogenizing step, which shell allows release of the agent in the gastrointestinal tract.

27. (Previously Presented) The material of claim 26, wherein the process further comprises spray drying the emulsion.

28. (Previously Presented) The material of claim 26, wherein the film forming protein includes milk proteins.

29. (Previously Presented) The material of claim 26, wherein the agent comprises at least one from the group consisting of lipids, oil soluble, and oil dispersible ingredients.

30. (Previously Presented) The material of claim 26, wherein the starch comprises resistant starch.

31. (Previously Presented) The material of claim 26, wherein the starch comprises waxy maize or wheat starch.

32. (Previously Presented) The material of claim 26, wherein step (A) occurs by microfluidisation.
33. (Previously Presented) The material of claim 26, wherein step (A) occurs by ultrasonics.
34. (New) The material of claim 26, wherein step (A) includes treating the starch with high pressure processing.